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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-942*

11 **JULIA N. ALLEN AKA JULIA ALLEN**

12 2024 Pass Road E T  
13 Gulfport, MS 39507

**A C C U S A T I O N**

14 Registered Nurse License No. 573874

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about November 9, 2000, the Board of Registered Nursing issued Registered  
23 Nurse License Number 573874 to Julia N. Allen aka Julia Allen ("Respondent"). The Registered  
24 Nurse License expired on February 29, 2004, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1       4.     Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4       5.     Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
5 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
6 disciplinary action during the period within which the license may be renewed, restored, reissued  
7 or reinstated.

8       6.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
10 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code  
11 provides, in pertinent part, that the Board may renew an expired license at any time within eight  
12 years after the expiration.

13       7.     California Code of Regulations, title 16, section 1419.3 provides:

14             “In the event a licensee does not renew his/her license as provided in  
15 Section 2811 of the code, the license expires. A licensee renewing pursuant to this  
16 section shall furnish a full set of fingerprints as required by and set out in section  
1419(b) as a condition of renewal.

17             (a) A licensee may renew a license that has not been expired for more  
18 than eight years by paying the renewal and penalty fees as specified in Section 1417  
and providing evidence of 30 hours of continuing education taken within the prior  
two-year period.

19             (b) A licensee may renew a license that has been expired for more than  
20 eight years by paying the renewal and penalty fees specified in Section 1417 and  
21 providing evidence that he or she holds a current valid active and clear registered  
nurse license in another state, a United States territory, or Canada, or by passing the  
Board's current examination for licensure.”

22       8.     Section 2761 of the Code states:

23             “The board may take disciplinary action against a certified or licensed  
24 nurse or deny an application for a certificate or license for any of the following:

25             (a) Unprofessional conduct, which includes, but is not limited to, the  
26 following:

27             ...

28             (4) Denial of licensure, revocation, suspension, restriction, or any other  
disciplinary action against a health care professional license or certificate by another  
state or territory of the United States, by any other government agency, or by another

1 California health care professional licensing board. A certified copy of the decision  
2 or judgment shall be conclusive evidence of that action.

3 ...

4 (d) Violating or attempting to violate, directly or indirectly, or assisting  
5 in or abetting the violating of, or conspiring to violate any provision or term of this  
6 chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

### 7 COST RECOVERY

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
13 included in a stipulated settlement.

### 14 FIRST CAUSE FOR DISCIPLINE

#### 15 (Disciplinary Action by Other Jurisdiction)

16 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of  
17 the Code on the grounds of unprofessional conduct in that Respondent was disciplined by the  
18 Louisiana State Board of Nursing ("Louisiana Board") and by the Mississippi Board of Nursing  
19 ("Mississippi Board"), as follows:

20 11. On or about September 18, 2006, the Louisiana Board issued a Final Order in the  
21 disciplinary matter entitled *In the Matter of Julia Nemeth Allen*, suspending Respondent's license  
22 to practice as a registered nurse in Louisiana. The circumstances underlying the disciplinary  
23 action by the Louisiana Board are that on or about June 2, 2005, while on duty at Lakeview  
24 Regional Medical Center ("LRMC"), Respondent withdrew Hydrocodone 5/APAP 500 for  
25 Patient 1 at 2307. Respondent documented administration of this medication at 2329. On June 3,  
26 2005, at 0232, Respondent withdrew Hydrocodone 5/APAP 500 for Patient 1. Respondent  
27 documented administration of this medication at 0245. The Patient denied requesting or  
28 receiving any medication for pain. On or about June 3, 2005, at approximately 0630, staff  
discovered at least one (1) Hydrocodone 5/APAP 500 missing. Respondent was requested to  
submit to a urine specimen for drug screen. Respondent was escorted to the Emergency Room to

1 submit to a urine sample but professed that she was unable to urinate. Respondent went outside  
2 to smoke a cigarette and never returned. Respondent was terminated from her employment with  
3 LRMC for failure to submit to a urine drug screen.

4 12. On or about June 4, 2010, the Mississippi Board approved and accepted an Agreed  
5 Order accepting the voluntary surrender of her registered nursing license in the disciplinary  
6 matter entitled *In the Matter of Mississippi License No. R-871363 issued to Julia Allen*. The  
7 circumstances underlying the disciplinary action by the Mississippi Board are that on or about  
8 September 18, 2006, the Louisiana Board suspended Respondent's nursing license and ordered  
9 Respondent to complete drug related conditions. The disciplinary action by the Louisiana Board  
10 is described in more particularity in paragraph 11 above, inclusive and hereby incorporated by  
11 reference.

## 12 **SECOND CAUSE FOR DISCIPLINE**

### 13 **(Unprofessional Conduct)**

14 13. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the  
15 Code on the grounds of unprofessional conduct in that Respondent failed to submit to a urine  
16 drug screen. The conduct is described in more particularity in paragraph 11 above, inclusive and  
17 hereby incorporated by reference.

## 18 **THIRD CAUSE FOR DISCIPLINE**

### 19 **(Violation of Nursing Practice Act)**

20 14. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the  
21 Code in that Respondent violated provisions of the nursing practice act. The violations are  
22 described in more particularity in paragraphs 10 through 13 above, inclusive and hereby  
23 incorporated by reference.

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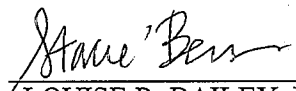
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 573874, issued to Julia N. Allen aka Julia Allen;
2. Ordering Julia N. Allen aka Julia Allen to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: April 22, 2013

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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